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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,085	10/12/2001	Jonathan I. McCormack	TVW/APP33US	1923
59906	7590	05/08/2006	EXAMINER	
PATTERSON & SHERIDAN, LLP TVWORKS, LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			WON, MICHAEL YOUNG	
		ART UNIT		PAPER NUMBER
		2155		
DATE MAILED: 05/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/977,085	MCCORMACK ET AL.
	Examiner	Art Unit
	Michael Y. Won	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 February 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 15-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 15-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed February 28, 2006.
2. Claims 1-14 have been cancelled and new claims 15-27 have been added.
3. Claims 15-27 have been examined and are pending with this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 15-19 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Jiang et al. (US 6,741,853 B1).

As per ***claim 15***, Jiang teaches a system, comprising:

a database for storing a digital identity for each of at least two user devices and providing access to the digital identities (see Fig.7, #746: "Directory" and col.9, lines 26-30 & 35-41);

a command server for storing a plurality of configuration information about each user device and providing access to the configuration information (see Fig.7, #732: "PMS"; col.8, lines 57-62; and col.10, lines 18-24); and

a digital identity server coupled to the database and the command server (see Fig.7) and including at least two adapters for at least two types of user device (see Fig.2), each adapter associated with one of the types of user devices (see col.6, lines 48: "users MSs" and col.7, lines 5-7: "allows a plurality of devices to access services and information", 12-17: "provides MS users seamless access to information networks regardless of the type of device available" & 20-23: "plurality of MSs 312 communicating via RF signals 322"), the adapters for storing a plurality of digital identity data associated with each digital identity (see col.9, lines 10-15; col.13, lines 6-8; and col.15, lines 24-28), providing access to the digital identity data (implicit: see col.12, line 67- col.13, line 3), and interfacing with each user device (see col.6, lines 51-55), the digital identity server configured for receiving a request from a particular user device via one of the adapters (see col.11, lines 5-7), accessing the digital identity for the particular user device from the database (see col.11, lines 33-47 & 65-67), accessing the configuration information about the particular user device from the command server, applying the configuration information to filter the digital identity, and providing the filtered digital

identity to that user device via one of the adapters (see col.8, lines 57-62 and col.14, lines 32-41).

As per ***claim 16***, which depends on claim 15, Jiang further teaches wherein the digital identity includes at least one of a plurality of preferences, a plurality of favorites, a plurality of cookies, a set of applications, and a set of services (see col.11, lines 61-64).

As per ***claim 17***, which depends on claim 15, Jiang further teaches wherein the configuration information of each user device includes at least approximations of a processing power, a bandwidth, and a memory footprint (see col.21, lines 25-29).

As per ***claim 18***, which depends on claim 15, Jiang further teaches wherein the adapters include at least one of a CORBA adapter, a DTV cookie adapter, and an XML adapter (implicit: see col.10, lines 31-34).

As per ***claim 19***, which depends on claim 15, teaches of further comprising: a digital identity API for the adapters (implicit: see col.9, lines 35-38 and col.12, line 60- col.13, line 3).

As per ***claim 25***, which depends on claim 15, further teaches wherein one of the user devices is an external database that interfaces with the digital identity server via a third party plug-in, wherein the external database is the database that provides access to the digital identity to the digital identity server (implicit: see col.6, lines 57-64; col.9, lines 10-15 & 26-30; and col.11, lines 33-42).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (US 6,741,853 B1) in view of Desrochers (US 6,553,405 B1).

As per **claim 20**, which depends on claim 15, although Jiang teaches of further comprising: at least one additional adapter (see col.6, lines 51-60), Jiang does not explicitly teach of writing using a digital identity SDK.

Desrochers teaches of writing using a digital identity SDK (see col.4, lines 14-16).

However, this difference is not functionally involved in the steps recited. The adapters would be created in WPM regardless because Jiang teaches that WPM 210 is a scaleable and programmable platform with standard and open interfaces (see Jiang: col.6, lines 51-60). Thus if the need for additional adapters were necessary, the system can be scaled to fulfill the need.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teaching of Desrochers within the system of Jiang by implementing writing using a digital identity SDK within the system because writing using digital identity SDK does not functionally relate to the steps claimed and because the subjective means of implementing the adapters do not patentably distinguish the claimed invention.

As per **claim 21**, which depends on claim 15, although Jiang further teaches wherein one of the user devices is a provisioning application that interfaces with the digital identity server (see col.6, lines 60-64), Jiang does not explicitly teach of interfacing via a CORBA adapter.

Desrochers teaches of interfacing via a CORBA adapter (see col.4, line 1).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teaching of Desrochers within the system of Jiang by implementing interfacing via a CORBA adapter within the system because Desrochers teaches that CORBA allows virtual connections to be opened to access CORBA objects that are located on other machines (see Desrochers: col.1, lines 52-56) thereby allowing additional servers to be integrated into the system to share objects as "networks and technologies evolve" (see Jiang: col.6, lines 57-60).

As per **claim 22**, which depends on claim 15, although Jiang further teaches wherein one of the user devices is a control console that interfaces with the digital identity server, Jiang does not explicitly teach of interfacing via a CORBA adapter.

Desrochers teaches of interfacing via a CORBA adapter (see claim 21 rejection above).

6. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (US 6,741,853 B1) in view of Kessler et al. (US 6,621,528 B1).

As per **claim 23**, which depends on claim 15, Jiang does not explicitly teach wherein one of the user devices is a DTV client that interfaces with the digital identity server via a DTV cookie adapter.

Kessler teaches wherein one of the user devices is a DTV client (see col.4, lines 1-6) that interfaces with the digital identity server via a DTV cookie adapter (see Fig.1 and col.3, lines 53-67).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teaching of Kessler within the system of Jiang by implementing a user devices that is a DTV client that interfaces with the digital identity server via a DTV cookie adapter within the system because Jiang teaches that MS (Mobile Station) can be any wireless device with varying capabilities (see Jiang: col.1, line 21-col.2, line 25) and further adds obvious variations are possible (see Jiang: col.21, lines 3-14). Therefore one of ordinary skill in the art would include DTV to be employed in the system of Jiang because such implementation would expand the capabilities of the system allowing, "service providers to integrate service offerings as networks and technologies evolve" (see Jiang: col.6, lines 57-60).

As per **claim 24**, which depends on claim 15, although Jiang further teaches wherein one of the user devices interfaces with the digital identity server via an XML adapter, Jiang does not explicitly teach that the client is a DTV client.

Kessler teaches that the client is a DTV client (see claim 23 rejection above):

7. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (US 6,741,853 B1) in view of Jindal et al. (US 6,092,178 A).

As per **claim 26**, which depends on claim 15, Jiang teaches of a digital identity server (see claim 15 rejection above), but Jiang does not teach of further comprising: a first server group and a second server group, wherein load balancing may be performed by having the digital identity server service any user device associated with the second server group or the second digital identity server service any user device associated with the first server group.

Jindal teaches a first server group and a second server group, wherein load balancing may be performed by having the digital identity server service any user device associated with the second server group or the second digital identity server service any user device associated with the first server group (see col.10, lines 45-60 and col.11, lines 19-35).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teaching of Jindal within the system of Jiang by implementing a first server group and a second server group, wherein load balancing may be performed by having the digital identity server service any user device associated with the second server group or the second digital identity server service any user device associated with the first server group within the system because balancing the load, greater throughput is achieved which increased quality of service.

As per **claim 27**, which depends on claim 26, Jindal further teaches wherein the first and second server groups are definable by a network operator (implicit: see col.7, lines 51-55).

Response to Arguments

8. Applicant's arguments with respect to the prior art reference U.S. Pat. No. 6,610,105 B1 (Martin, Jr. et al.) have been considered but are moot in view of the new ground(s) of rejection.

Based on the new claims and cancellation of claims 1-14, Jiang et al. (US 6,741,853 B1) has been cited to clearly and explicitly teach the limitations of independent claim 15.

Claims 15-27 have been finally rejected.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



May 2, 2006



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER